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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 09-44877 RN

**SIGURD LEOPOLD SZERLIP and
PATRICIA JEAN SZERLIP,**

Chapter 13

Debtors.

**MOTION TO VALUE SECURITY OF
WELLS FARGO BANK, NA UNDER
FRBP 3012; NOTICE AND
OPPORTUNITY TO REQUEST A
HEARING**

Debtors Sigurd and Patricia Szerlip ("Debtors") hereby move the court to value the second and third claims of Wells Fargo Bank, NA ("Wells Fargo") secured by liens against Debtors' property located at 682 30th Street, Richmond, CA 94804 ("the property").

1. This motion is based on the petition, schedules, and documents on file herein, and the Memorandum of Points and Authorities in Support of the Motion and Declaration of Debtor in Support of the Motion filed herewith.

2. As stated in the attached Declaration, at the time of filing, Debtors' residence was worth less than the first lien against the property.

3. Wells Fargo holds the second and third liens against the property.

1 Based on the foregoing, and for the reasons stated in the
2 attached Memorandum of Points and Authorities, Debtors pray that:

3 1. For purposes of Debtors' chapter 13 plan only, the court value
4 Wells Fargo's liens at zero, hold that Wells Fargo does not have a
5 secured claim, and hold that Wells Fargo's liens may not be enforced,
6 pursuant to 11 U.S.C. §§ 506, 1322(b)(2), and 1327; and

7 2. Upon entry of a discharge in Debtors' chapter 13 case, the
8 liens shall be voided for all purposes, and upon application by
9 Debtors, the court will enter an appropriate form of judgment voiding
10 the liens.

11 **PLEASE TAKE NOTICE:**

12 (i) That Local Rule 9014-1 of the United States Bankruptcy Court
13 for the Northern District of California prescribes the procedures to
14 be followed and that any objection to the requested relief, or a
15 request for hearing on the matter must be filed and served upon the
16 undersigned within twenty-one (21) days of mailing of this Notice;

17 (ii) That a request for hearing or objection must be accompanied
18 by any declarations or memoranda of law the party objecting or
19 requesting wishes to present in support of its position;

20 (iii) That if there is not a timely objection to the requested
21 relief or a request for hearing, the Court may enter an order granting
22 the relief by default; and

23 (iv) That the undersigned will give at least seven (7) days
24 written notice of hearing to the objecting or requesting party, and to
25 any trustee or committee appointed in the case, in the event an
26 objection or request for hearing is timely made; and

1 (v) That, except as otherwise ordered by the court, the initial
2 hearing on the motion will not be an evidentiary hearing, and will
3 serve as a status conference at which the court may schedule any
4 evidentiary hearing necessary.

5
6 Dated: April 18, 2011

/s/ Patrick L. Forte

PATRICK L. FORTE

Attorney for Debtors